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H – 952

International Court of Justice

Com. B.
Take 1 — 1
Winkler
19 June 1946
1000 - 1130 hours

H0952-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

19 June 1946

COMMISSIONER:

Mr. George R. Taylor

CORPS OF POLITICAL LEADERS

(The Commission convened at 1000 hours)

KARL ENGELBERT, a witness, took the stand and testified as follows:

MR. TAYLOR: The witness, Karl Engelbert, is to be reminded that he is still under oath.

THE WITNESS: Yes.

MR. TAYLOR: We will continue with cross examination of the witness.

DR. NATH: May I ask the witness to speak very clearly and distinctly so that the Russian prosecutor will be able to understand him?

MR. TAYLOR: Yes. Proceed with the cross examination.

CROSS EXAMINATION RESUMED

BY LT. COL. GRIFFITH JONES:

Q. Now, you told us day before yesterday that the Blockleiter took no part in carrying out the general policy of repressing the church influence.

A. Yes.

Q. I just want to ask you a question and I refer to the document D-901, which was submitted in evidence, I think, at the last hearing as Leadership Corps #_____.

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Would you look at the first letter in that exhibit. I think Dr. Nathhas a copy, has he not?

DR. NATH: No, sir.

LT. COL. JONES: I gave you a copy at the last hearing.

DR. NATH: May I ask the substance of the document. I merely heard the number of the document and not its contents.

LT. COL. JONES: It is a series of letters from Ortsgruppenleiter for the Kreisleiter in connection with the activities of the churches in their districts.

DR. NATH: Thank you, sir.

~~Q. Would~~

Q. Would you look at the first letter in that exhibit from Ortsgruppenleiter of Darmstadt-Schlossgarten, it is dated 20 February 1939. I read the first paragraph of that letter. "As the caretakerof the communal building of the St. Martin's community, Blockleiter and party member Keil informs me that meetings of the Confessional Front are again taking place at the St. Martin's institute, Mullerstrasse (Ortsgruppe Gutenberg), the public being excluded." Now, if it was not the task of the Blockleiter to exist in the suppression of the churches, can you tell me why Blockleiter and party member Keil is giving that information to his Ortsgruppenleiter?

A. I can only assume that these directives were valid and one individual got them. Within the Gau and Kreis of Bonn, such directives were not received by the Blockleiter.

Q. Isn't it rather extraordinary that this should be happening in one Gau only, when the recognized policy of the party was to suppress the influence of the churches?

A. I can only refer to a statement I made ~~xx~~ day before yesterday, pertain-

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ing to a directive which was issued in the Gau of Koblenz which was not issued in the Gau at Cologne, and it is quite possible that the same situation exists in this case.

Q. What do you suppose the Blockleiter Keil thought would be the result of that report?

A. I can only assume that it was his intention to call the attention of the Gestapo to this meeting.

Q. That, of course, is exactly what did happen, because if you turn over now to the last document - the comments of the Kreisleiter, dated the month of February 1939, and you will see that in respect of that particular incident, he notes that the SD and the Gestapo and the competent Ortsgruppenleiter would be instructed by him. That was what did happen, wasn't it when Blockleiter and Ortsgruppenlei er reported on matters of that kind and brought the Gestapo and SD on the scene?

A. The same result would have been if a party member or a member of the community would have called attention to this meeting.

Q. Now, I want to just turn to one other example of the Blockleiter business. You needn't look at that for the moment. Did you say the other day that it was none of the Blockleiter's duties to act as a spy in the concerns of his fellow citizens?

A. I stated that he had no directives to spy the residents of his block.

Q. It was the duty of the Blockleiter, was it now, to keep an index card for every person in the block?

A. I do not know of such a directive, though I was on duty as a Blockleiter for three months. I have stated that a card index of the residents of the Zell was only in the hands of the Zellenleiter

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Q. Tell me what date in 1938 were you acting as Blockleiter and Zellenleiter?

A. If I recall correctly it was in 1938.

Q. And during what period in 1938?

A. I cannot recall exactly. We had to serve three months each as Blockleiter and Zellenleiter.

Q. Surely you can recall approximately the time of year - probably remember whether it was spring, summer, autumn, or winter?

A. During the summer months, because there was no bad weather.

Q. And are you saying that when you were acting as Blockleiter in Cologne, you had no duties in respect of keeping index cards of information about everybody in your block?

A. Yes.

Q. Would you look at the document that you hold, which is D-901-A, and you see that this is an instruction of the Gauleiter in Cologne, dated 31 January 1941. You see that? Just pay attention to me I will refer you to the parts of the document I want you to read, and he is passing on instructions to all Kreis and Ortsgruppen, regarding the installing and keeping of card indexes for households. Now, would you see the second paragraph of that page. "Since my instruction of the 1st May 1938, ... is in some respects out of date, I hereby withdraw it, and it thus loses its validity. So that the keeping of card indexes of households should be uniform in all Ortsgruppen, including those newly formed in 1938, the following directives should be strictly adhered to." Now, when you were acting as Blockleiter and Zellenleiter in the summer of 1938, did you receive no instructions about keeping index cards for your households?

A. No, I did not receive such a directive.

Q. That was an instruction from your own Gauleiter in your own Gau?

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A. I wish to call ~~the~~ attention to the fact that I was merely acting as a substitute or deputy in all of that as Kreisamtsleiter. I may be with the practical side of this activity.

Q. And you think that this was such an unimportant part of that practical side that your learning the business wasn't necessary or that you weren't interested in it?

A. Yes, as Kreisamtsleiter we also were supposed to become acquainted with a little bit of that activity.

Q. Now, we ~~xxxx~~ won't go on with that, but we will just see what the duties of the Blockleiter were in respect of collecting this information, because it may well be that it wasn't so different in 1941 as it was in 1938. Would you look at paragraph #10 of that instruction - the second paragraph of that. That paragraph you see contains instructions for the filling in of the index cards, but perhaps we can go back to paragraph #1, of paragraph #10. You see data con- ~~xxx~~ cerning political judgment is to be entered in pencil. Then going down to the next paragraph, halfway through it, "all entries are to be made with similar care." It is thus to be recorded since when the 'Voelkischer Beobachter' was subscribed to, whether the family already possessed a swastika flag before the 1935 law, and what wireless apparatus is available in the household..... ..It is easy to obtain this data from a conversation by Blockleiters with the German concerned." Do you call that spying?

A. Not altogether.

Q. Very well, just go on to the next paragraph, will you, which gives instructions about political judgment - paragraph #12 - rather it is, you see, the second half of that paragraph. "The political judgment of every German is to be carried out by the Ortsgruppen Organisationsleiter in cooperation with the competent Block and Zellenleiter as well as in agreement with the Ortsgruppenleiter."

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So it was the task of the Block and Zellenleiter, was it, to form a political judgment on the members of his Block?

A. Yes, sir.

Q. Now, willyou go on to paragraph #14, -- "It is prohibited on principle to give Germans and Party members lists or index cards to fill in themselves. Owing to their frequent visits to the individual households, the Blockleiters have sufficient opportunity to obtain the required data for the index by means of conversation with the Germans." Do you call that spying?

A. Yes - that is one way of checking the situation.

Q. And supposed that the political judgment formed was ~~xxxf~~ unfavorable -- would that mean that the Gestapo and the SD were informed in the same way as in the last example we dealt with where Blockleiter were ~~xxd~~ sending in unfavorable reports.

A. In my opinion -- no. The political judgment was required whenever a fellow German wished to take a civil servant job with authority.

~~X~~ LT. COL. GRIFFITH JONES: I have no further questions

MR. TAYLOR: Any further questions by the presecution.

FRENCH AND RUSSIAN: No questions.

MR. TAYLOR: There being no further cross examination by the prosecution, does the defense have any further questions?

DR. NATH: Yes, a short question.

MR. TAYLOR: Very well.

BY DR. NATH:

Q. In the beginning of the questioning, Col. Jones has asked the witness whether the Gestapo was organized and run by the Party. Do you know ~~xhs~~ anything more about this. What other supplementary statements might you be able to make?

Com. B.
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A. My official duties have shown me that the Gestapo was an entirely separately organized and entirely ~~xx~~ separately administered organisation as this ~~Party~~ Party. The directive of our city was also ~~xxxxx xxxxxxx~~ coordinator to the leader.

DR. NATH: Thank you very much.

MR. TAYLOR: Any further questions ~~from for the witness.~~

LT. COL. GRIFFITH JONES: No, sir, thank you.

MR. TAYLOR: Witness excused.

LT. COL. GRIFFITH JONES: Perhaps I might say a word of explanation as to the original of that document. You will remember that the document D-901 which I put in the other day - I had attached to it a certification to the effect that it was a true copy of the original which is now held in ~~Xxxxxxxxx~~ Maryland, so I did explain then that that certification covered both that document and another attached to it. This documentD-901A is that document which was attached to it and is covered by the same certification. I put it now with this D-901A, a copy of the original certification which is attached to D-901.

MR. TAYLOR: There being no objection on the part of the defense counsel, the prosecution exhibit D-901A in connection with the explanation~~x~~ given ~~xixxxxxxx~~ as ~~following~~ to Exhibit D-901 which was ~~properly~~ certified will be received in evidence.

RECESSED: 1045 hours

~~Thexforegin~~ The foregoing is a true and correct transcript of the testimony of KARL ENGLEBERT taken on 18 and 19 June 1946.

Reporter (pp

Bernice Winkler
Reporter (pp.

CERTIFIED TO: ~~xxxx~~ Leo R Taylor
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

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DR. MATH: May I ask the witness to speak very clearly and distinctly so that the Russian prosecutor will be able to understand him?

MR. TAYLOR: Yes. Proceed with the cross examination.

CROSS-EXAMINATION RESUMED

BY LT. COL. GRIFFITH JONES:

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A Yes.

Q I just want to ask you a question and I refer to the document D-901, which was submitted in evidence, I think, at the last hearing as Leadership Corps # _____. Would you look at the first letter in that exhibit. I think Dr. Math has a copy, has he not?

DR. MATH: No, sir.

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DR. MATH: May I ask the substance of the document. I merely heard the number of the document and not its contents.

LT. COL. JONES: It is a series of letters from Ortsgruppenleiter for the Kreisleiter in connection with the activities of the churches in their districts.

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DR. NATH: Thank you, sir.

Q Would you look at the first letter in that exhibit from Ortsgruppenleiter of Darmstadt-Schlossgarten, it is dated 20 February 1939. I read the first paragraph of that letter. "As the caretaker of the communal building of the St. Martin's community, Blockleiter and party member Keil informs me that meetings of the Confessional Front are again taking place at the St. Martin's institude, Mullerstrasse (Ortsgruppe Gutenberg), the public being excluded." Now, if it was not the task of the Blockleiter to exist in the suppression of the churches, can you tell me why Blockleiter and party member Keil is giving that information to his Ortsgruppenleiter?

A I can only assume that these directives were valid and one individual got them. Within the Gau and Kreis of Bonn, such directives were not received by the Blockleiter.

Q Isn't it rather extraordinary that this should be happening in one Gau only, when the recognized policy of the party was to supporess the influence of the churches?

A I can only refer to a statement I made day before yesterday, pertaining to a directive which was issued in the Gau of Koblenz which was not issued in the Gau at Cologne, and it is quite possible that the same situation exists in this case.

Q What do you suppose the Blockleiter Keil thought would be the result of that report?

A I can only assume that it was his intention to call the attention of the Gestapo to this meeting.

Q That, of course, is exactly what did happen, [illegible] if you turn over now to the last document - the comments of the Kreisleiter, dated the month of February 1939, and you will see that in respect of that particular incident, he notes that the SD and the Gestapo and the competent Ortsgruppenleiter would be instructed by him. That was what did happen, wasn't it when Blockleiter and Ortsgruppenleiter reported on matters of that kind and brought the Gestapo and SD on the scene?

A The same result would have been if a party member or a member of the community would have called attention to this meeting.

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Q Now, I want to just turn to one other example of the Blockleiter business. You needn't look at that for the moment. Did you say the other day that it was none of the Blockleiter's duties to act as a spy in the concerns of his fellow citizens?

A I stated that he had no directives to spy the residents of his block

Q It was the duty of the Blockleiter, was it not, to keep an index card for every person in the block?

A I do not know of such a directive, though I was on duty as a Blockleiter for three months. I have stated that a card index of the residents of the Zell was only in the hands of the Zellenleiter.

Q Tell me what date in 1938 were you acting as Blockleiter and Zellenleiter?

A If I recall correctly it was in 1938.

Q And during what period in 1938?

A I cannot recall exactly. We had to serve three months each as Blockleiter and Zellenleiter.

Q Surely you can recall approximately the time of year - probably remember whether it was spring, summer, autumn, or winter?

A During the summer months, because there was no bad weather.

Q And are you saying that when you were acting as Blockleiter in Cologne, you had no duties in respect of keeping index cards of information about everybody in your block?

A Yes.

Q Would you look at the document that you hold, which is D-901-A, and you see that this is an instruction of the Gauleiter in Cologne, dated 31 January 1941. You see that? Just pay attention to [illegible], I'll refer you to the parts of the document I want you to read, and he is passing on instructions to all Kreis and Ortsgruppen, regarding the installing and keeping of card indexes for households. Now, would you see the second paragraph of that page. "Since my instruction of the 1st May 1938, ... is in some respects out of date, I hereby withdraw it, and it thus loses its validity. So that the keeping of card indexes of households should be uniform in all Ortsgruppen, including those newly formed in 1938, the following directives should be strictly adhered to." Now, when you were acting

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as Blockleiter and Zellenleiter in the summer of 1938, did you receive no instructions about keeping index cards for your households?

A No, I did not receive such a directive.

Q That was an instruction from your own Gauleiter in your own Gau?

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A I wish to call the attention to the fact that I was merely acting as a substitute or deputy in all of that as Kreisamtsleiter. I may be with the practical side of this activity.

Q And you think that this was such an unimportant part of that practical side that your learning the business wasn't necessary or that you weren't interested in it?

A Yes, as Kreisamtsleiter we also were supposed to become acquainted with a little bit of that activity.

Q Now, we won't go on with that, but we will just see what the duties of the Blockleiter were in respect of collecting this information, because it may well be that it wasn't so different in 1941 as it was in 1938. Would you look at paragraph #10 of that instruction -- the second paragraph of that. That paragraph you see contains instructions for the filling in of the index cards, but perhaps we can go back to paragraph #1, of paragraph #10. You see data concerning political judgment is to be entered in pencil. Then going down to the next paragraph, halfway through it, "all entries are to be made with similar care. It is thus to be recorded since when the 'Voelkischer Beobachter' was subscribed to, whether the family already possessed a swastika flag before the 1935 law, and what wireless apparatus is available in the household ..... It is easy to obtain this data from a conversation by Block-leiters with the German concerned." Do you call that spying?

A Not altogether.

Q Very well, just go on to the next paragraph, will you, which gives instructions about political judgment -- paragraph #12 -- rather it is, you see, the second half of that paragraph. "The political [illegible] every German is to be carried out by the Ortsgruppen Organizationsleiter in cooperation with the competent Block and Zellenleiter as well as in agreement with the Ortsgruppenleiter." So it was the task of the Block and Zellenleiter, was it, to form a political judgment on the members of his Block?

A Yes, sir.

Q Now, will you go on to paragraph #14 -- "It is prohibited on principle to give Germans and Party members lists or index cards to fill in themselves. Owing to their frequent visits to the individual households, the Blockleiters have sufficient opportunity to obtain the require data for the

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index by means of conversation with the Germans." Do you call that spying?

A Yes -- that is one way of checking the situation.

Q And supposing that the political judgment formed was unfavorable -- would that mean that the Gestapo and the SD were informed in the same way as in the last example we dealt with where Blockleiter were sending in unfavorable reports.

A In my opinion -- no. The political judgment was required whenever a fellow German wished to take a civil servant job with authority.

LT. COL. GRIFFITH JONES: I have no further questions.

MR. TAYLOR: Any further questions by the prosecution?

FRENCH AND RUSSIN; No questions.

MR. TAYLOR: There being no further cross examination by the prosecution does the defense have any further questions?

DR. NATH: Yes, a short question.

MR. TAYLOR: Very well.

BY DR. NATH:

Q In the beginning of the questioning, Col. Jones has asked the witness whether the Gestapo was organized and run by the Party. Do you know anything more about this. What other supplementary statements might you be able to make?

A My official duties have shown me that the Gestapo was an entirely separately organized and entirely separately administered organization as this Party. The directive of our city was also coordinator to the leader.

DR. NATH: Thank you very much.

MR. TAYLOR: Any further questions?

LT. COL. GRIFFITH JONES: No, sir, thank you.

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LT. COL. GRIFFITH JONES: Perhaps I might say a word of explanation as to the original of that document. You will remember that the document D-901 which I put in the other day -- I had attached to it a certification to the effect that it was a true copy of the original which is now held in Maryland, so I did explain then that that certification covered both that document and another attached to it. This document D-901A is that document which was attached to it and is covered by the same certification. I put it

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now with this D-901A, a copy of the original certification which is attached to D-901.

MR. TAYLOR: There being no objection on the part of the defense counsel the prosecution exhibit D-901A in connection with the explanation given as to Exhibit D-901 which was certified will be received in evidence.

RECESSED: 1045 hours

The foregoing is a true and correct transcript of the testimony of KARL ENGLEBERT taken on 18 and 19 June 1946.

BERNICE WINKLER
Reporter

CERTIFIED TO: GEORGE R. TAYLOR
Commissioner